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**Board of Vocational Nursing
and Psychiatric Technicians**

**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. PT-2009-126

**TIMOTHY WILLIAM GONZALES
P.O. Box 1912
Vallejo, CA 94590**

A C C U S A T I O N

Psychiatric Technician License No. PT 32622

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant), brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs.

2. On or about March 29, 2005, the Board issued Psychiatric Technician License Number PT 32622 to Timothy William Gonzales (Respondent). The license was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2011, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

1 4. Business and Professions Code (Code) section 4520 provides, in pertinent part, that
2 the Board may discipline any licensed psychiatric technician for any reason provided in Article 3
3 (commencing with section 4520) of the Psychiatric Technicians Law (Code § 4500, et. seq.).

4 5. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a
5 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
6 period within which the license may be renewed, restored, reissued or reinstated. Under section
7 4545 of the Code, the Board may renew an expired license at any time within four years after the
8 expiration.

9 STATUTORY / REGULATORY PROVISIONS

10 6. Code section 4521 states:

11 “The board may suspend or revoke a license issued under this chapter [the Psychiatric
12 Technicians Law (Bus. & Prof Code, § 4500 et seq.))] for any of the following reasons:

13 “(a) Unprofessional conduct . . .

14 “ . . .

15 “(i) The use of excessive force upon or the mistreatment or abuse of any patient.”

16 7. California Code of Regulations, title 16, section 2576.5 states:

17 “The licensed psychiatric technician performs services requiring technical and manual skills
18 which include the following:

19 “(a) Uses and practices basic assessment (data collection), participates in planning, executes
20 interventions in accordance with the care plan or treatment plan, and contributes to evaluation of
21 individualized interventions related to the care plan or treatment plan.

22 “(b) Provides direct patient/client care by which the licensee:

23 “(1) Performs basic nursing services as defined in subdivision (a);

24 “(2) Administers medications;

25 “(3) Applies communication skills for the purpose of patient/client care and
26 education; and

27 “(4) Contributes to the development and implementation of a teaching plan related to
28 self-care for the patient/client.”

1 8. California Code of Regulations, title 16, section 2576.6 states:

2 “(a) A licensed psychiatric technician shall safeguard patients'/clients' health and safety by
3 actions that include but are not limited to the following:

4 “(1) Reporting to the Board acts specified in Section 4521 of the Business and
5 Professions Code;

6 “(2) Documenting patient/client care in accordance with standards of the profession;
7 and

8 “(3) Performing services in accordance with Section 125.6 of the Business and
9 Professions Code.

10 “(b) A licensed psychiatric technician shall adhere to standards of the profession and shall
11 incorporate ethical and behavioral standards of professional practice which include but are not
12 limited to the following:

13 “(1) Maintaining current knowledge and skills for safe and competent practice;

14 “(2) Maintaining patient/client confidentiality;

15 “(4) Abstaining from chemical/substance abuse; and

16 “(5) Cooperating with the Board during investigations as required by Section 4521.2
17 of the Business and Professions Code.

18 “(c) A violation of this section constitutes unprofessional conduct for purposes of initiating
19 disciplinary action.”

20 COST RECOVERY

21 9. Code section 125.3 provides, in pertinent part, that a Board may request the
22 administrative law judge to direct a licensee found to have committed a violation or violations of
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
24 enforcement of the case.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 10. Respondent is subject to disciplinary action under Code section 4521, subdivision (a),
4 and/or California Code of Regulations, title 16, section 2576.6, for unprofessional conduct, as
5 follows:

6 11. On or about December 4, 2008, while working as a psychiatric technician at Napa
7 State Hospital in Napa, California, Respondent punched, kicked and verbally abused a dependent-
8 adult patient lying face-down on the floor under physical restraint by multiple staff persons.

9 SECOND CAUSE FOR DISCIPLINE

10 (Excessive Force Upon or Mistreatment or Abuse of Patient)

11 12. Respondent is subject to disciplinary action under Code section 4521, subdivision (i),
12 and/or California Code of Regulations, title 16, section 2576.6, in that he used excessive force
13 upon or mistreated or abused a dependent-adult patient, as set forth above in paragraph 11, above.

14 PRAYER

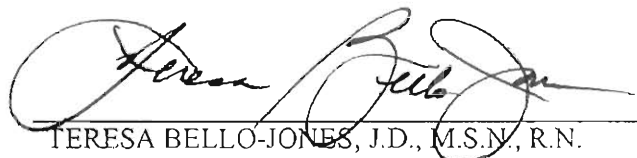
15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
17 issue a decision:

18 1. Revoking or suspending Psychiatric Technician License Number PT 32622, issued to
19 Timothy William Gonzales;

20 2. Ordering Timothy William Gonzales to pay the Board of Vocational Nursing and
21 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,
22 pursuant to Business and Professions Code section 125.3;

23 3. Taking such other and further action as deemed necessary and proper.

24
25 DATED: February 15, 2011



26 TERESA BELLO-JONES, J.D., M.S.N., R.N.
27 Executive Officer
28 Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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